

1 Ford Greene
2 California State Bar No. 107601
3 HUB LAW OFFICES
4 711 Sir Francis Drake Boulevard
5 San Anselmo, California 94960-1949
6 Telephone: (415) 258-0360
7 Telecopier: (415) 456-5318
8
9 Attorney for Defendant
10 GERALD ARMSTRONG

*Handed to
Wilson in
Court house
1/23/95
Ha
cc walter
1-24-95
Ha*

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 FOR THE COUNTY OF MARIN

10 CHURCH OF SCIENTOLOGY INTERNATIONAL,) No. 157 680
11)
12 Plaintiff,)
13 vs.)
14 GERALD ARMSTRONG, et al.,)
15)
16 Defendants.)
17)
18)
19)
20)
21)
22)
23)
24)
25)
26)
27)
28)
Date: January 23, 1995
Time: 9:30 a.m.
Dept: One
Trial Date: May 18, 1995

18 Scientology's ex parte application is in substance an
19 objection to evidence that Armstrong submitted late in opposition
20 to Scientology's pending motion for summary adjudication that is
21 set for hearing before this Court on January 27, 1995. Thus, the
22 instant ex parte application is unnecessary.

23 The declaration was not filed in bad faith or for the purpose
24 of delay. Mr. Armstrong wanted to present his position regarding
25 his religious motivation to the Court, notwithstanding the fact
26 that it was late. To do so does not mean that said submission was
27 in bad faith.

28 Scientology could accomplish the result of moving the court

COPY

1 to disregard Armstrong's late-filed declaration by objection.
2 (CCP § 437c (b)) Thus, simply because it takes the approach of
3 seeking ex parte relief does not entitle it to sanctions.

4 DATED: January 23, 1995

HUB LAW OFFICES

5
6 By: 

FORD GREENE
Attorney for Defendant
GERALD ARMSTRONG

7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28